

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 16
819 Taylor Street - Room 8A24
Fort Worth, TX 76102-6178
Telephone: (817) 978-2921
Agency Web Site: www.nlr.gov

June 12, 2006

Mr. Chris Patrick Herrera
3101 Timberline Drive
Fort Worth, TX 76119

Re: Bunge Oils
Case No. 16-RD-1545

Dear Mr. Herrera:

The above-captioned case, petitioning for an investigation and decertification under Section 9(c) of the National Labor Relations Act has been carefully investigated and considered. As a result of the investigation, it appears that further proceedings are not warranted at this time.

The investigation of the petition revealed that on May 3, 2006, Bunge Oils and United Food and Commercial Workers Local 540 signed a non-Board settlement agreement as a result of an unfair labor practice charge filed by the Union on March 3, 2006. A portion of that charge alleged the Employer failed and refused to bargain in good faith by refusing to apply the collective bargaining agreement to the transfer of bargaining unit work to the new location (Snowden facility) or to the bargaining unit employees who would be employed at the new location and by advising employees that it would unilaterally alter terms and conditions of employment when they began working at the new location. After entering into the settlement agreement with the Employer, the Union withdrew the unfair labor practice charge and I approved the withdrawal on May 5, 2006. On May 19, 2006, you filed the instant petition.

As part of the settlement agreement signed by the parties, the Employer agreed to bargain with the Union over the terms and conditions of employment of the employees at the Snowden Road facility. The parties are currently scheduled to begin negotiations in June 2006. Because the parties have not had a reasonable opportunity to bargain pursuant to the settlement agreement, a petition challenging the Union's majority status cannot be entertained. Therefore, I am dismissing the petition.

A review of this action may be obtained by filing a request with the National Labor Relations Board in Washington, D.C. See attached Form NLRB-4916 as to instructions for filing such request for review.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, DC. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: www.nlr.gov.

Sincerely,

Martha Kinard
Acting Regional Director

Enclosure: Form NLRB-4916, Notice of Appeal

cc: Mr. Don Holland
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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**INSTRUCTIONS FOR FILING REQUEST FOR REVIEW OF
ADMINISTRATIVE DISMISSAL OF REPRESENTATION PETITIONS**

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by close of business on **June 26, 2006**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.